

Bond, Michael R.

From: Bond, Michael R.
Sent: Tuesday, April 10, 2007 9:12 AM
To: Richard Garren
Cc: Louis Bullock; Randy Miller; George, Robert W.
Subject: RE: Pre 2002 grower file data

Rick, I have been discussing this issue with my clients.

We will produce reports which provide the information the State

has requested such as, number of birds, type of birds, grower pay, and feed consumption back to 1998. The reports are not aggregated on a monthly basis and are set out in the form in which my clients use them, that is, by complex, by grower and by settlement period. The reports include growers who grow for the Springdale and Noel complexes. Meaning both of those complexes contract with growers in the IRW and growers who are not in the IRW. The system cannot sort by watershed. I anticipate producing these in the next week or so. The state has sent numerous discovery requests at this point which request the same information and are duplicative, as such, these reports will be responsive to many discovery requests propounded by the State.

Pre 1998 records which still exist are in paper form and not uniformly kept by the complexes. You are welcome to review and inspect the pre 2002 paper grower records the complexes have kept. Importantly, you have already been provided with all paper records (going as far back as my clients have kept them) for growers who were active in 2002. If you decide to review and inspect I will need sufficient notice to gather all those records for your inspection.

With regards to AWMPs or NMP's, Grower change forms (TSN43334SOK), Litter sold or given away (TSN 78162SOK), and Contracts my clients do not have reports on this information. These documents, to the extent they exist, are contained in the paper grower files.

Sincerely,

Michael Bond.

Michael R. Bond
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From: Richard Garren [mailto:RGarren@riggsabney.com]
Sent: Friday, April 06, 2007 4:35 PM
To: Bond, Michael R.
Cc: Louis Bullock; Randy Miller
Subject: Pre 2002 grower file data



Michael,

I'm following up on our conversations/emails within the last 30 days or so concerning the electronic production of grower data. Let me know what the status of that is. My recollection is that you were to talk to the "IT" staff to review what can be pulled electronically along the lines of those selected reports I listed for you.

3/18/2008

Thanks.

Richard T. Garren, Esq.
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3/18/2008

Bond, Michael R.

From: Richard Garren [RGarren@riggsabney.com]
Sent: Friday, August 10, 2007 9:31 AM
To: Bond, Michael R.
Subject: RE: Pre 2002 document production

Thank you.

From: Bond, Michael R. [mailto:Michael.Bond@KutakRock.com]
Sent: Friday, August 10, 2007 9:20 AM
To: Richard Garren; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: RE: Pre 2002 document production

Rick, what you received was data in summary form. That data is usually found in single reports based on single farms for short periods of time, for example, settlement statements. You were provided with the information you asked for in summary reports.

Of course I have spoken with the appropriate personnel at Tyson and Cobb regarding these issues. I have told you that before. The result of those conversations was provided to you on April 17, 2007. In fact, I continue to speak to my clients about production of this type of information as it is my duty. Tyson's systems cannot provide the information how you want it. The information from Tyson has been provided in the manner in which it can be generated and produced. It is responsive to your discovery requests. It is not an "excuse" that the state can "add up" the numbers. It is a fact and it is reality. If my client does not maintain the records or have a system that can prepare a report the exact way you want it that is entirely acceptable. I suspect if I asked the State for information in particular format (i.e. a certain time period, by watershed, aggregated) and they they do not keep it in one or more of those formats the State would tell me the exact same thing and we may soon find that out. The previous information provided by Cobb is also responsive to your discover requests. In a recent conversation with Cobb they indicated that they may be able to run a report on their bird production and feed usage in an annualized manner. I have asked them try but have not received anything as of now. I will advise of the success or failure of that exercise. If they can do it, we will produce it to you. I have been open and clear with you on this issue. In the past I have told you what my client can and cannot do with regards to the production of this information. For some reason you just choose to ignore it or just not believe it. Be certain, if my clients can generate the type of summary data in the exact manner specified by you without undue burden they will produce. We would expect the same from the State. At this time Tyson cannot but Cobb may be able to. Regardless you have been provided with the information which answers your discovery requests.

Michael

From: Richard Garren [mailto:RGarren@riggsabney.com]
Sent: Friday, August 10, 2007 6:48 AM
To: Bond, Michael R.; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: RE: Pre 2002 document production

Michael,

You will recall our conversations centered around receiving in **summary form** the information relative to Tyson's bird and feed production. Instead the same kind of data was provided in tiff image of the hard copy forms. The goal was to confer with your clients IT personnel to determine what reports could be run to provide the type of information shown in the various reports I pulled and sent to you. (bird production etc.) You never responded about Tyson's ability to run reports tha

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would summarize this data. Instead you chose to submit hard copy materials without discussing this issue further. I clearly understand Tyson's position that pre 1998 material is in hard copy paper format.

Again my question still remains unanswered. Is there additional reports that Tyson can produce showing in an annualized or summary form the same data it has provided in hard copy? The excuse that the State can "add up" the numbers is not acceptable if in fact Tyson's computer systems maintain summary or annualized data. Have you spoken to the IT staff and determined what data is available in summarized or annualize form?

Rick

From: Bond, Michael R. [mailto:Michael.Bond@KutakRock.com]
Sent: Thursday, August 09, 2007 6:02 PM
To: Richard Garren; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: RE: Pre 2002 document production

Please see attached letter.

From: Richard Garren [mailto:RGarren@riggsabney.com]
Sent: Wednesday, August 08, 2007 6:35 PM
To: Bond, Michael R.; George, Robert W.
Cc: Bob Nance; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; David Riggs; Sharon Gentry; Baker, Fred; Louis Bullock
Subject: Pre 2002 document production

Michael,

I have attached two emails related to our past discussions on the issue of pre-2002 document production. I do not recall that there was anything substantive provided to me as to what and how much of the information could be produced electronically by Tyson. I believe you owe me a response to see if this matter can be resolved in whole or part through this process. I also know when we talked that some documents would be available in hard copy only but that is different than the reports mentioned in the attached emails. The discussion was that we would run to ground the electronic data first and from that decide what additional materials the state would need to review. Notwithstanding your conversation with Bob Nance I believe this still deserves your attention.

Let me know your response.

<<Richard Garren - 08-08-07 - TQCBZQE.pdf>>
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August 9, 2007

VIA E-MAIL AND U.S. MAIL

Mr. Richard Garren
Riggs, Abney, Neal, Turpen, Orbison & Lewis, P.C.
502 West 6th Street
Tulsa, OK 74119-1010

Re: *State of Oklahoma v. Tyson Foods, Inc., et al.*
U.S. District Court for the Northern District of Oklahoma
Case No. 05-CV-0329-GFK-SAJ

Dear Rick:

I am writing in response to your e-mail of August 8, 2007, regarding the production of pre-2002 documents by my clients, Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., and Cobb-Vantress, Inc. (the "Tyson Entities"). In your e-mail, you state "there was nothing substantive provided to me as to what and how much of [pre-2002 documentation] could be produced electronically by Tyson." This statement is not true. This letter should serve to clear up any misunderstanding on your part with regards to what responsive electronic information has been produced by my clients.

On April 10, 2007, I sent an e-mail to you which stated that the Tyson Entities would produce reports which contain information the State of Oklahoma requested such as number of birds, type of birds, grower pay, and feed consumption and that such reports would contain information dating to at least 1998. The Tyson Entities produced such reports, totaling nearly 4,000 pages, on April 17, 2007. On that date, you received the following reports:

<u>Report</u>	<u>Complex</u>	<u>Date</u>	<u>Bates Range</u>
Grower Master Download	Springdale and Noel	1998 – April 2007	TSN107974SOK – TSN107985SOK
Cost of Hens Sold Report with fiscal year-to-date summary	Springdale	1994 – April 2007	TSN107986SOK – TSN108154SOK

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Mr. Richard Garren

August 9, 2007

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Grower Pay Spreadsheet	Noel	1998 - 2006	TSN108155SOK – TSN108982SOK
Grower Pay Spreadsheet	Springdale	1998 - 2006	TSN108983SOK – TSN111043SOK
Broiler Grower Master List by County with Poultry House Capacity	Springdale		TSN111044SOK – TSN111047SOK
Pullet and Hen Grower Master List with Poultry House Capacity and Square Footage	Springdale		TSN111048SOK – TSN111053SOK
Broiler Grower Master List by County with Poultry House Capacity	Noel		TSN111054SOK – TSN111058SOK
Sold Hen Statistics Report	Cobb-Vantress	1996 - April 17, 2007	TSN111059SOK – TSN111068SOK
Fiscal Year Sold Hen Statistics	Noel	1998 – 2003 * This report will be produced for 2004 – 2007.	TSN111069SOK – TSN111096SOK; TSN111167SOK – TSN111184SOK
Grower Master List with Poultry House Capacity and Square Footage	Cobb-Vantress		TSN111185SOK
Pullet Flock Transfer Registers	Springdale	1998 – 2001 *Flock Transfer Registers for Springdale Pullet growers for 2002 – 2006 were produced on January 8, 2007	TSN111186SOK – TSN111806SOK

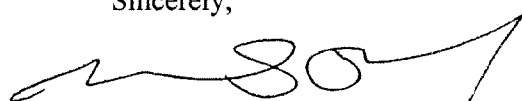
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Mr. Richard Garren
August 9, 2007
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In my April 10, 2007 e-mail, I informed you that any pre-1998 records which were maintained by the Tyson Entities are in paper form, and I extended an invitation for you to review and inspect such documents. This offer was accepted yesterday by Mr. Nance. These records are sorted by complex, rather than by watershed; therefore, the paper records maintained by the Tyson Entities will contain records for poultry growing operations which are not in the Illinois River Watershed.

If you have any further questions regarding the Tyson Entities' production of responsive documents, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "MRB", with a long, sweeping horizontal line extending to the right.

Michael R. Bond